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February 5, 2016

Via ECF & Fax

Hon. Robert W. Sweet
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

RE: Schoolcraft v. City of New York et.al.
10-CV-6005 (RWS)

Honorable Sir;

The undersigned submits this letter on behalf of himself, his partner, Harvey A. Levine and Peter J. Gleason, Esq. as attorneys who have participated in the legal representation of plaintiff in the above referenced matter. I write in response the letter motion of the City of New York challenging our standing to seek counsel fees in this matter and demanding certain discovery materials with regard to our application for same.

Simply stated, the City of New York has come forward with absolutely no authority to support its request that we lack standing to submit an application for attorneys fees pursuant to the Rule 68 Offer of Judgment to which plaintiff consented on September 29, 2015. It is beyond dispute that this firm substituted as counsel for Jon Norinsberg's law firm pursuant to a Consent to Change Attorney duly executed by plaintiff and delivered to Mr. Norinsberg by hand and via fax on November 27, 2012. The ECF docket reflect our firm's Notice of Appearance filed on December 14, 2012 and Mr. Gleason's on February 28, 2013. As the time records previously submitted to this Court establish, the undersigned, along with his partner, Harvey A. Levine and Peter J. Gleason, Esq. were intensely immersed in representing plaintiff's interests until April, 2013. The City of New York's Rule 68 Offer of Judgment, accepted by plaintiff on September 29, 2015 included a provision that should plaintiff accept same, he would be entitled to reasonable attorneys fees and expenses incurred. Given that the undersigned and his colleagues provided legal services to plaintiff at his request, we are entitled to receive the fair value of the legal services provided. While the City of New York objects to our application, they proffer no legal authority or precedent for the proposition that the undersigned, Mr. Levine or Mr. Gleason, have no standing to submit their time spent on this matter as and for part of plaintiff's attorneys' fee per the Rule 68 Offer of Judgment.

Hon. Robert W. Sweet
United State District Judge
February 3, 2016
page 2

With regard to the City of New York's demands for discovery of billing records and other ancillary papers, we will rely upon the arguments in opposition to their application already presented by Joshua Fitch, Esq. in his letter to this Court dated February 1, 2016.

Respectfully yours,



RICHARD A. GILBERT (9293)

rg:jp

cc: